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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,018	08/20/2003	Shaun Michael Brady	MIS-100	5186
24956	7590	03/02/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			VEILLARD, JACQUES	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,018

Applicant(s)

BRADY, SHAUN MICHAEL

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the applicant's communication filed on 8/20/2003.
2. The preliminary amendment filed on 9/12/2003 has been entered.
3. Claim 1 has been amended, and claim 2 canceled.
4. Claim 1 is pending and presented for examination.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 8/20/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been placed in the application file and has been considered as to the merits.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,633,875. This is obviousness-type double patenting since the conflicting claim is not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the U.S. Patent No. 6,633,875 and would cover any patent granted on that U.S. Patent No. 6,633,875 since the U.S. Patent No. 6,633,875 and the instant application are claiming common subject matter. Although the conflict claim is not identical, it is not patentably distinct from each other because of the following reasons: Claim 1 of the instant application substantially recites the limitations of claim 1 of U.S. Patent No. 6,633,875. For example the instant application discloses a database system comprising a database for storing data records, each record containing information about *a real estate asset, ... means for receiving a request for data from said query template, retrieving data from the database in response to said request and generating a report from said request reveals information of a data record of a single real estate asset*, while the U.S. Patent No. 6,633,875 discloses a database system comprising a database for storing data records, each record containing information about a *multifamily real estate asset*.

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the steps as indicated claim 1 of U.S. Patent No. 6,633,875 since the omission and addition of the cited limitations would have not changed the process according to which a database system comprising a database for storing data records, each record containing information about a real estate asset...*means for receiving a request for data from said query template, retrieving data from the database in response to said request and generating a report from said request reveals information of a data record of a single real estate asset*. Therefore, the ordinary skilled artisan would have also motivated to modify claim 1 of U.S. Patent No. 6,633,875 by adding a *means for receiving a request for data from said query template, retrieving data from the database in response to said request and generating a report*

from said request reveals information of a data record of a single real estate asset. The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. *In re karlson*, 136 USPQ 184 CCPA 1963).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Wittgreffe et al. (U. S. Pat. No. 6,253,208) in view of Roderick (U. S. Pat. No. 6,122,648).

As per claim 1, Wittgreffe et al. disclose an information access system wherein information has been extracted from a database system over the Internet (See Wittgreffe et al. fig. 1, col.4, lines 1-3, and lines 13-23). In particular, Wittgreffe et al., similarly disclose a system comprising: a database (See Wittgreffe et al. Fig.3 element 135; col.11, lines 12-15) for storing records of assets of real estate properties (See Wittgreffe et al. Fig.3 element 300; col.10, lines 60 - 66, and col.11, lines 12-58); a communications server that receives data from data providers for the data records stored in the database (See Wittgreffe et al.'s col.1, lines 13-35, col.2, lines 50-61 and col.4, lines 24-50); said communications server hosting a query template

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for requesting reports generated from the data records of said database (See Wittgreffe et al.'s col. 5, lines 56-65 and col.10, lines 2-7).

It is noted, however, Wittgreffe et al. do not specifically disclose, a firewall server connected between said database and said data communications server through which data is exchanged between said database and said communications server; means for processing said report requests, said report processing means receiving a request for data from one of said query template, retrieving data from said database in response to said request and generating a report in response to said request, said report processing means further determining if said report generated from said report request reveals information of a single data record of a single real estate asset; and means for providing said report to said communications server unless said report is determined by said report processing means to reveal information of a data record of a single real estate asset. On the other hand, Roderick, in the same endeavor, discloses a method and apparatus for improved content management delivery includes the limitations of: a firewall server (See Roderick's Fig.1 element 114; col.4, lines 44-47) connected between said database and said data communications server through which data is exchanged between said database and said communications server (See Roderick's col.4, lines 20-65 and col.5, lines 29-39); means for processing said report requests, said report processing means receiving a request for data from one of said query template, retrieving data from said database in response to said request and generating a report in response to said request, said report processing means further determining if said report generated from said report request reveals information of a single data record of a single real estate asset(See Roderick col.8, lines 32-59 and col. 12, lines 57-67 to col.13, lines 1-4); and means for providing said report to said communications server unless said

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report is determined by said report processing means to reveal information of a data record of a single real estate asset (See Roderick's col.9, lines 1-23, col.13, lines 5-38, and col.14, lines 8-12).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the information access system of Wittgreffe et al. by incorporating the firewall mechanism taught by Roderick. The motivation being to have enhanced the system of Wittgreffe et al. by allowing it to access data via the network or through a firewall or other gateway server that enable users to retrieve the requested information and dynamically generates instructions to create the requested information page for provision to a requesting client if the information page does not exist (See Roderick. Col.2, lines 42-48).

Other Prior Art Made Of Record

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

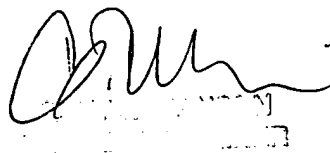
Points Of Contact

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.V.
Jacques Veillard
Patent Examiner TC 2100



February 24, 2006